Calendar No. 164

100TH CONGRESS
*1st Session*

SENATE

REPORT
100-69

# PEACE GARDEN MEMORIAL

JUNE 11, 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

## REPORT

[To accompany H.R. 191]

The Committee on Energy and Natural Resources, to which was referred the act, H.R. 191, to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, having considered the same, reports favorably thereon without amendment and recommends that the act do pass.

### PURPOSE OF THE MEASURE

The purpose of H.R. 191 is to authorize the Peace Garden Project, Inc., to construct a garden on Federal property in the District of Columbia to honor the commitment of the people of the United States to world peace.

### BACKGROUND AND NEED

In 1986, the Peace Garden Project, Inc., was formed to advocate the establishment of a garden of peace in the Nation's capital. The garden is to be designed and constructed by the Project, and is to be non-sectarian and non-ideological. The site will be selected by the Secretary of the Interior, subject to the approval of the Commission on Fine Arts and the National Capital Planning Commission. The site selection, design and construction of the memorial shall comply with all procedures, rules, policies and provisions of law applicable to the establishment of commemorative works on Federal land in the District of Columbia.

The Peace Garden Project, Inc., will raise private funds for the design, construction and maintenance of the garden. H.R. 191 requires that construction not begin until sufficient moneys have been raised for both the construction of the memorial and the

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maintenance fund. Establishment authority expires 5 years after the date of enactment unless construction begins during that period.

These requirements comply with the provisions of legislation which passed the Congress last year (Public Law 99-652) setting forth general guidelines for commemorative works in the District of Columbia.

The report of the House Committee on Interior and Insular Affairs regarding this measure (H. Rept. 100-17) includes a brief discussion of the provisions in the Act regarding the location of the garden and the design competition. The Committee concurs with the intent of this House report language.

## LEGISLATIVE HISTORY

The House of Representatives passed H.R. 191 on March 11, 1987. An identical companion measure, S. 261, was introduced by Senator Matsunaga on January 6, 1987. That bill was cosponsored by Senator Cranston, Senator Wilson, Senator Metzenbaum, and Senator Rockefeller. Hearings on both measures were held before the Senate Public Lands, National Parks and Forests Subcommittee on May 7, 1987.

At a business meeting on Wednesday, June 3, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 191 favorably reported.

## COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on June 3, 1987, by a unanimous vote of a quorum present recommends that the Senate pass H.R. 191.

The rollcall vote on reporting the measure was 18 yeas, 0 nays as follows:

| YEAS | NAYS |
|---|---|
| Mr. Johnston | |
| Mr. Bumpers | |
| Mr. Ford | |
| Mr. Metzenbaum | |
| Mr. Melcher | |
| Mr. Bradley | |
| Mr. Bingaman | |
| Mr. Wirth | |
| Mr. Fowler | |
| Mr. Conrad | |
| Mr. McClure* | |
| Mr. Hatfield | |
| Mr. Weicker* | |
| Mr. Domenici | |
| Mr. Wallop | |
| Mr. Murkowski* | |
| Mr. Hecht | |
| Mr. Evans | |

*Indicates voted by proxy.

## COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
*Washington, DC, June 9, 1987.*

Hon. J. BENNETT JOHNSTON, Jr.,
*Chairman, Committee on Energy and Natural Resources,*
*U.S. Senate, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed H.R. 191, an act to authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior, as ordered reported by the Senate Committee on Energy and Natural Resources on June 3, 1987. Based on information obtained from the National Park Service, CBO estimates that enactment of this legislation would result in no cost to the federal government and would not affect the budgets of state or local governments.

H.R. 191 would authorize the Secretary of the Interior to enter into an agreement with the Peace Garden Project, Inc. (PGP), under which the PGP would be permitted to construct with nonfederal funds a "Peace Garden" on federal land in the District of Columbia. The garden site (as selected by the Secretary, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission) would be designed by the PGP, and subject to the approval of both commissions and the Secretary. Before beginning construction, the PGP would be required to demonstrate that the full amount of funds estimated to be necessary for completing all work is available and to provide the Secretary with an additional amount equal to 10 percent of the estimated construction cost to fund ongoing Park Service maintenance of the garden. CBO expects the full cost of establishing and maintaining the Peace Garden to be borne by the PGP, with no cost to the government.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

(For Edward M. Gramlich, Acting Director).

## REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 191. The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 191, as reported.

## EXECUTIVE COMMUNICATIONS

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 191, is set forth below:

# United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

MAY 15 1987

Honorable J. Bennett Johnston
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

SENATE COMMITTEE ON
ENERGY AND NATURAL RESOURCES
RECEIVED
MAY 15 1987
WASHINGTON, D.C. 20510

Dear Mr. Chairman:

This responds to your request for our views on S. 261 and H.R. 191, legislation "To authorize the establishment of a Peace Garden on a site to be selected by the Secretary of the Interior."

We recommend the enactment of either S. 261 or H.R. 191, which are identical.

S. 261 and H.R. 191 would provide authority for the Peace Garden Project, a private non-profit organization headquartered in California, to establish a garden on Federal land in the District of Columbia to honor the commitment of the people of the United States to world peace. The site of the garden would be selected by the Secretary of the Interior, subject to the approval of the Commission of Fine Arts and the National Capital Planning Commission. The Secretary, the Commission of Fine Arts, and the National Capital Planning Commission would also approve the design for the Peace Garden. Construction could not commence until the Secretary determines that sufficient funds are available. Both bills provide that authority to establish the Peace Garden shall expire in five years unless construction begins before that time. Although no Federal funds may be expended for the establishment of the Peace Garden, the legislation also provides that the Secretary of the Interior shall be responsible for its maintenance after it is completed, and after an amount equal to 10 percent of the estimated construction cost has been made available to the Secretary from non-Federal sources for its maintenance.

On February 12, 1987, the National Capital Memorial Commission met to discuss, among other proposals, S. 261. This body was established as a part of the Commemorative Works Act of November 14, 1986, to "advise the Secretary and the Administrator (GSA) on policy and procedures for establishment of (and proposals to establish) commemorative works in the District of Columbia and its environs, as well as such other matters concerning commemorative works in the

Nation's Capital as it may deem appropriate." This proposal was understood to be a contemplative and reflective garden which would honor the commitment of the people of the United States to world peace. The Commission considered S. 261, and unanimously recommended that the Secretary of the Interior support the bill. The Commission was delighted that the bill conformed to the provisions of the Commemorative Works Act as closely as it does. All major provisions of that Act are addressed in those two bills.

We support this legislation because of its intent to protect open space in a manner compatible with existing public use. We believe that this landscaped garden will do that fully and should be encouraged.

The Office of Management and Budget has advised that there is no objection to the submission of this proposed legislation from the standpoint of the Administration's program.

Sincerely,

William P. Horn

-ASSISTANT SECRETARY William P. Horn

## CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the Act, H.R. 191, as reported.

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